03-24-04

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|   | R 2 3 2004   |  | Application S   | Serial Number   | 10/6 | 503,064   |
| 4 |  |  | Filing Date   |   | Jun  | e 24, 2003  |
| W | TRADEMARKE   |  | First Named   | Inventor  | Gill | ies   |
| 1 | TRANSMITTA   | T  | Group Art U   | nit   | 164  | 6   |
| 1 |  | . <b></b> .  | Examiner Na   | ıme   | Me   | rtz, P.   |
| l | FORM   |  | Attorney Do   | cket No.  | LE   | X-010C1   |
| ı |  |  | Confirmation  | ı No.   | 857  | 6   |
| ļ |  |  | Patent No.  |   | Not  | applicable  |
|   |  |  | Issue Date  |   | Not  | applicable  |
| Ì |  | ENC  | CLOSURES (cl  | neck all that apply)  |      |   |
|   | Fee Transmittal Form (1 pg.)   |  | Copy of the No<br>Missing Parts                           |   |      | Notice of Appeal to Board of Patent Appeals and Interferences   |
|   | ☐ Check Attached ☐ Copy of Fee Transmittal Form  |  | Formal Drawin   | g(s)  |      | Appeal Brief (in triplicate)  |
|   | ☐ Amendment ☐ Supplemental Preliminary   |  | Request For Co<br>Examination (F<br>Transmittal           |   |      | Status Inquiry  |
|   | ☐ After Final ☐ Affidavits/declaration(s) ☐ Letter to Official   |  |   | d Power of Attorney   |      | Return Receipt Postcard  Certificate of First Class Mailing   |
|   | Draftsperson including Drawings [Total Sheets]   |  | Terminal Discl  | aimer   |      | under 37 C.F.R. 1.8  Certificate of Facsimile  Transmission under 37 C.F.R. 1.8   |
|   | Petition for Extension of Time   |  |   | ecuted Declaration<br>Attorney for Utility<br>nt Application                          |      | Additional Enclosure(s) (please identify below)   |
|   | Information Disclosure Statement   |  | Small Entity S  | tatement  |      |   |
|   | Form PTO-1449 Copies of IDS Citations (A41-A82; B58-B80; and C108- C195)                                 |  | CD(s) for large<br>program                                | table or computer .   |      |   |
|   | Certified Copy of Priority Document(s)   |  | Amendment A   | fter Allowance  |      |   |
| , | Sequence Listing submission Paper Copy/CD Computer Readable Copy Statement verifying identity of above   |  | Request for Ce<br>Correction<br>Certificate<br>duplicate) | rtificate of of Correction (in  |      |   |
| ز | CORRESPONDENCE ADDRESS   |  |   | SIGNATURE BLO   | оск  | ······································  |
|   | Direct all correspondence to: Patent Adi Testa, Hur High Stree 125 High Boston, M Tel. No.: ( Fax No.: ( | witz & Thet Tower<br>Street<br>(A 02110<br>617) 248- | nibeault, LLP   | Date: March 23, 200<br>Reg. No. 48,645<br>Tel. No.: (617) 248-<br>Fax No.: (617) 248- | 7697 | Respectfully submitted,  Brian A. Fairchild, Ph.D. Attorney for the Applicants Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110 |

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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Gillies et al.

**SERIAL NO.:** 

10/603,064

**GROUP NO.:** 

1646

FILING DATE:

June 24, 2003

**EXAMINER:** 

Mertz, P.

TITLE:

MULTIPLE CYTOKINE PROTEIN COMPLEXES

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

Sir:

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In accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying copies of Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. References AA-A40, BA-B57 and CA-C107 were previously cited and made of record in parent application 09/634,368, on which the present application relies for an effective filing date under 35 U.S.C. § 120. As permitted under 37 C.F.R. § 1.98(d), copies of references AA-A40, BA-B57 and CA-C107 are not provided herewith.

#### **REMARKS**

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

| (1) | within three (3) months of the <b>filing date</b> of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the <b>date of entry of the national stage</b> as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the <b>first Office action</b> on the merits, or before the mailing of a <b>first Office action</b> after the filing of a request for continued examination under 37 C.F.R. 1.114; or |
|-----|--|
| (2) | after the period defined in (1) but before the mailing date of a <b>final action</b> or a <b>notice</b> of allowance under 37 C.F.R. 1.311, and  |
|     | the requisite Statement is below, OR   |
|     | the requisite fee under 37 C.F.R. 1.17(p), namely \$180.00, is included herein, or   |
|     |  |

Information Disclosure Statement U.S.S.N. 10/603,064 Atty Docket No. LEX-010C1 Page 2 of 2

|                    | (3)                  | after the mailing date of a final action or notice of allowance but before the payment of the issue fee, AND  |
|--------------------|----------------------|---|
|                    |                      | the requisite Statement is below, AND   |
|                    |                      | the requisite petition fee under 37 C.F.R. 1.17(p), namely \$180.00 is included herein.   |
|                    | -                    | fully requested that each of the patents and publications listed on the attached Form ther information contained herein, be made of record in this application. |
| -                  | plicants 20-0531.    | believe no fee is necessitated by this submission. If a fee is due, please debit deposit  |
| Date: M<br>Reg. No | arch 23,<br>. 48,645 | Brian A. Fairchild, Ph.D. Attorney for Applicant  |
|                    |                      | Testa, Hurwitz, & Thibeault, LLP  |

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RADEN STATEMENT

ATTY DOCKET NO.: LEX-010C1

APPLICANT: Gillies et al.

SERIAL NO.: 10/603,064

FILING DATE: June 24, 2003

GROUP: 1653

|                | T  | 7          |          |             | T DOCUMI   |       |       | <del></del>    |  |
|----------------|----|------------|----------|-------------|------------|-------|-------|----------------|--|
| EXAM.<br>INIT. |    | DOCUMENT   |          |             |            |       | SUB   | FILING DATE IF |  |
| INII.          |    | NUMBER     | DATE     | NAME        |            | CLASS | CLASS | APPROPRIATE    |  |
|                | AA | 5,314,995  | 5-24-94  | Fell, Jr. 6 | et al.     | 530   | 351   | 1-22-90        |  |
|                | AB | 5,114,711  | 5-19-92  | Bell et al  |            | 424   | 85.1  | 7-13-89        |  |
|                | AC | 5,073,627  | 12-17-91 | Curtis et   | al.        | 530   | 351   | 8-14-90        |  |
|                | AD | 4,946,778  | 8-7-90   | Ladner e    | t al.      | 435   | 69.6  |                |  |
|                | AE | 4,676,980  | 6-30-87  | Segal et    | al.        | 424   | 85    | 9-23-85        |  |
| -              | AF | 4,469,797  | 9-4-84   | Albarella   | l          | 436   | 536   | 9-23-82        |  |
|                | AG | 4,196,265  | 4-1-80   | Koprows     | ski et al. | 435   | 2     | 8-11-78        |  |
|                | AH | 5,650,150  | 7-22-97  | Gillies     |            | 424   | 134.1 | 7-27-94        |  |
|                | AI | 5,541,087  | 6-30-96  | Lo et al.   |            | 435   | 697   | 9-14-94        |  |
|                | AJ | 5,726,044  | 3-10-98  | Lo et al.   |            | 435   | 69.7  | 9-14-95        |  |
|                | AK | 5,843,423  | 12-1-98  | Lyman e     | t al.      | 424   | 85.1  | 12-18-97       |  |
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|                | AO | 07/348,237 |          | Rosenblu    | ım et al.  |       |       | 5-5-89         |  |
|                | A1 | 4,816,567  | 3/28/89  | Cabilly et  | al.        | 530   | 387   |                |  |
|                | A2 | 5,116,964  | 5/26/92  | Capon et    | al.        | 536   | 27    |                |  |
|                | A3 | 5,225,538  | 7/6/93   | Capon et    | al.        | 530   | 387.3 |                |  |
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|                | A5 | 5,258,498  | 11/2/93  | Huston et   | al         | 530   | 350.0 |                |  |
|                | A6 | 5,349,053  | 9/20/94  | Landolfi    |            | 530   | 351   |                |  |
|                | A7 | 5,514,582  | 5/7/96   | Capon et    | al.        | 435   | 252.3 |                |  |
|                | A8 | 5,543,297  | 8/6/96   | Cromlish,   | et al.     | 435   | 25    |                |  |
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APPLICANT: Gillies et al.

SERIAL NO.: 10/603,064

FILING DATE: June 24, 2003

GROUP: 1653

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| EXAM.  | DOCUMENT NUMBER |  | DATE NAME |            |           |         | SUB   | FILING DATE IF |  |
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|        | A11             | 5,609,846                                    | 3/11/97   | Goldenbe   | erg ·     | 424     | 1.41  |                |  |
|        | A12             | 5,639,725                                    | 6/17/97   | O'Reilly   | et al.    | 514     | 12    |                |  |
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|        | A26             | 5,837,682                                    | 11/17/98  | Folkman    | et al.    | 514     | 12    |                |  |
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|        | A28             | 5,885,795                                    | 3/23/99   | O'Reilly   | et al.    | 435     | 69.1  |                |  |
|        | A29             | 5,886,178                                    | 3/23/99   | Allen et a | 1.        | 544     | 238   |                |  |
|        | A30             | 5,994,126                                    | 11/30/99  | Steinman   | et al.    | 435     | 325   |                |  |
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| -      | A32             | 6,086,875                                    | 7/11/00   | Blumberg   | et al.    | 424     | 134.1 |                |  |
|        | A33             | 6,169,070                                    | 1/2/01    | Chen et a  | 1.        |         |       |                |  |
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## INFORMATION DISCLOSURE STATEMENT

ATTY DOCKET NO.: LEX-010C1

APPLICANT: Gillies et al.

SERIAL NO.: 10/603,064

FILING DATE: June 24, 2003

GROUP: 1653

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|                | A35 | 6,100,387          | 8/8/00   | Herrmann et al.     |                 |              | -                             |  |  |  |
|                | A36 | 5,359,035          | 10/25/94 | Habermann           |                 |              |                               |  |  |  |
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|                | A43 | 5,441,868          | 8/15/95  | Lin                 |                 |              |                               |  |  |  |
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|                | A46 | 5,547,933          | 8/20/96  | Lin                 |                 |              |                               |  |  |  |
|                | A47 | 5,618,698          | 4/8/97   | Lin                 |                 |              |                               |  |  |  |
|                | A48 | 5,624,821          | 4/29/97  | Winter et al.       |                 |              |                               |  |  |  |
|                | A49 | 5,679,543          | 10/21/97 | Lawlis              |                 |              |                               |  |  |  |
|                | A50 | 5,688,679          | 11/18/97 | Powell              |                 |              |                               |  |  |  |
|                | A51 | 5,709,859          | 1/20/98  | Aruffo et al.       |                 |              |                               |  |  |  |
| _              | A52 | 5,756,349          | 5/26/98  | Lin                 |                 |              |                               |  |  |  |
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### INFORMATION DISCLOSURE STATEMENT

ATTY DOCKET NO.: LEX-010C1

APPLICANT: Gillies et al.

SERIAL NO.: 10/603,064

FILING DATE: June 24, 2003

GROUP: 1653

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|            | A61 | 6,406,689    | 6/18/02  | Falkenberg et al. |       |       |                |
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|            | A71 | 2002/0142374 | 10/3/02  | Gallo et al.      |       |       |                |
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| INFOR          | MATIO   | N DISCLOSUR        | E ST | [ATE     | MENT            |                            | APPLIC      | CANT: Gi     | llies et al.   |                |          |                         |
|                |         |                    |      |          |                 | SERIAL NO.: 10/603,064     |             |              |                |                |          |                         |
|                |         |                    |      |          |                 | FILING DATE: June 24, 2003 |             |              |                |                |          |                         |
|                |         |                    |      |          |                 | GROUP: 1653                |             |              |                |                |          |                         |
|                |         |                    |      | <u>-</u> | C DATEN         | NT DOCUMENTS               |             |              |                |                |          |                         |
| F37.4.3.6      | 1       | DOCUMENT           |      | -        | - · · · · · · · | _                          |             | VILLINIS     | 67.466         | SUB            | T        |                         |
| EXAM.<br>INIT. |         | NUMBER             |      | DATE     | ,               | IN.                        | AME         |              | CLASS          | CLASS          |          | ING DATE IF<br>ROPRIATE |
|                | A82     | 2003/0166877       |      | 9/4/03   | 3               | G                          | illies et a | ıl.          |                |                |          |                         |
|                | _1      |                    |      | FOR      | EIGN PATI       | ΕN                         | IT DOC      | CUMENT       | TS.            |                | <u> </u> |                         |
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|                | BU      | 93100115.3         | 7-14 | 1-93     | CN              | L                          |             |              | 2-6-93         |                |          |                         |
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### INFORMATION DISCLOSURE STATEMENT

ATTY DOCKET NO.: LEX-010C1

APPLICANT: Gillies et al.

SERIAL NO.: 10/603,064

FILING DATE: June 24, 2003

GROUP: 1653

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| EXAM.<br>INIT. |     | DOCUMENT<br>NUMBER | DATE     | COUNTRY<br>CODE | CLASS | SUB<br>CLASS | FILING<br>DATE | ABSTRACT<br>ONLY    | ENGLISH<br>LANG Y/N |
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|                | BV  | 87-56676           | 11-4-88  | JР              |       |              | 3-13-87        |                     |                     |
|                | вw  | 87-56677           | 11-4-88  | JP              |       |              | 3-13-87        |                     |                     |
|                | вх  | WO00/11033         | 3-2-00   | PCT             |       |              | 8-25-99        |                     |                     |
| · <del></del>  | BY  | WO00/40615         | 7-13-00  | PCT             |       |              | 1-7-00         |                     |                     |
| · ·            | BZ  | 21725/88           | 3-23-89  | AU              |       |              | 9-1-88         |                     |                     |
|                | BBA | 211769             | 2-25-87  | EPO             |       |              | 8-7-86         |                     |                     |
|                | BBB | 319012             | 6-7-89   | ЕРО             |       |              | 12-2-88        |                     |                     |
| ·              | BBC | 256714             | 2-24-88  | ЕРО             |       |              | 7-30-87        | ***                 |                     |
|                | BBD | 350230             | 1-10-90  | EPO             |       |              | 7-3-89         | *                   |                     |
|                | BBE | WO 88/09344        | 12-1-88  | wo              |       |              | 5-19-88        |                     |                     |
|                | BBF | WO 96/04388        | 02-15-96 | wo              |       |              | 7-28-95        |                     |                     |
|                | B1  | WO 89/02922        | 4/6/89   | PCT             |       |              | 10/3/88        |                     | Y                   |
|                | B2  | WO 89/09620        | 10/19/89 | PCT             |       |              |                | English<br>Abstract | N                   |
|                | В3  | WO 91/00360        | 1/10/91  | PCT             |       |              | 006            |                     | Y                   |
|                | B4  | WO 91/08298        | 6/13/91  | PCT             |       |              | 006            |                     | Y                   |
|                | B5  | WO 92/02240        | 2/20/92  | PCT             |       |              |                |                     | Y                   |
|                | В6  | WO 92/08495        | 5/29/92  | PCT             |       |              |                |                     | Y                   |
|                | В7  | WO 92/08801        | 5/29/92  | PCT             |       |              | 006            |                     | Y                   |
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|                | B10 | WO 95/05468        | 2/23/95  | PCT             |       |              | 002            |                     | Y                   |
|                | B11 | WO 95/21258        | 8/10/95  | PCT             |       |              | 006            |                     | Y                   |
|                | B12 | WO 96/05309        | 2/22/96  | PCT             |       |              | 008            |                     | Y                   |
|                | B13 | WO 96/08570        | 3/21/96  | PCT             |       |              | 006            |                     | Y                   |

## INFORMATION DISCLOSURE STATEMENT

ATTY DOCKET NO.: LEX-010C1

APPLICANT: Gillies et al.
SERIAL NO.: 10/603,064
FILING DATE: June 24, 2003

GROUP: 1653

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|                | B14 | WO 96/18412        | 6/20/96  | PCT             |                 |              | 002            |                  | Y                   |
| <u>-</u>       | B15 | WO 96/31526        | 10/10/96 | PCT             |                 |              | 008            |                  | Y                   |
|                | B16 | WO 97/00317        | 9/18/97  | PCT             |                 |              | 003            |                  | Y                   |
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|                | B20 | WO 97/24440        | 7/10/97  | PCT             |                 |              | 008            |                  | Y                   |
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|                | B22 | WO 97/30089        | 8/21/97  | PCT             |                 |              |                |                  | Y                   |
|                | B23 | WO 97/33617        | 9/18/97  | PCT             |                 |              | 002            |                  | Y                   |
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|                | B26 | WO 98/00127        | 1/8/98   | PCT             |                 |              |                |                  | Y                   |
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APPLICANT: Gillies et al.

SERIAL NO.: 10/603,064

FILING DATE: June 24, 2003

**GROUP: 1653** 

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| · · ·          | B49      | WO 99/53958        | 10/28/99 | РСТ             |       |              |                |  | Y                       |
|                | B50      | 93100115.3         | 7/14/93  | CN              |       |              |                | English abstract of BU                               | Y                       |
| ·              | B51      | 37 12985           | 11/3/88  | DE              |       |              | -              | English abstract of BT A36 is English counter -part. | Y                       |
|                | B52      | 63-267278          | 11/4/88  | JP              |       |              |                | English abstract of BW                               | Y                       |
|                | B53      | 63-267296          | 11/4/88  | JP              |       |              |                | English abstract of BV                               | Y                       |
|                | B54      | 0 237 019          | 9/16/87  | EP              |       |              |                | English counterpart of BV                            | Y                       |
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# **FORM PTO – 1449**

## INFORMATION DISCLOSURE STATEMENT

ATTY DOCKET NO.: LEX-010C1

APPLICANT: Gillies et al.

SERIAL NO.: 10/603,064

FILING DATE: June 24, 2003

**GROUP: 1653** 

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|                                       | B61 | WO 94/24160        | 10/27/94 | PCT             |             | <u> </u>     |                    |               | Y                       |
|                                       | B62 | WO 94/25055        | 11/10/94 | PCT             |             |              |                    |               | Y                       |
|                                       | B63 | WO 95/31483        | 11/23/95 | PCT             | <del></del> |              |                    |               | Y                       |
|                                       | B64 | WO 97/43316        | 11/20/97 | PCT             |             |              |                    |               | Y                       |
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|                                       | B67 | WO 00/68376        | 11/16/00 | PCT             |             |              |                    |               | Y                       |
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|                |   |   | SERIAL NO.: 10/603,064   |  |  |
|                |   |   | FILING DATE: June 24, 2003   |  |  |
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|                |   |  | SERIAL NO.: 10/603,064   |  |
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SERIAL NO.: 10/603,064
FILING DATE: June 24, 2003

GROUP: 1653

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